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April 27, 2020

Via ECF

Hon. Lois Bloom, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Amended Case Management Plan

1:18-cv-06616 *Xing v. Mayflower International Hotel Group Inc. et al*

Your Honor,

This office represents the plaintiff in the above-referenced matter. We write respectively, and jointly with Defense counsel, in anticipation of the status conference scheduled for April 27, 2020. Attached, and pursuant to Your Honor's individual rules, please find amended Rule 26(f) Meeting Report.

1. Proposed Status Conference Agenda

a. Plaintiff's Statement

- i. Re-opening Discovery
- ii. Completion of discovery
- iii. Trial
- iv. Settlement

b. Defendants' Statement

- i. Order of depositions
- ii. Timeline for depositions
- iii. Extending discovery to account for COVID-19

2. Completed Discovery

As of April 27, 2020, both parties are yet to exchange revised initial disclosures pending the Court's ruling on Plaintiffs' Motion for Leave to file Amended Complaint.

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3. Proposed Discovery Plan

- a. Deadline for parties to provide properly executed authorizations/releases: May 27, 2020;
- b. Deadline to file protective order: May 27, 2020;
- c. Deadline to join new parties or amend pleadings: April 27, 2020;
- d. Deadline to complete fact discovery: December 29, 2020;
- e. Deadline to complete expert discovery, if necessary: January 29, 2021 and
- f. Deadline to file pre-motion request for dispositive motion: January 29, 2021.

At this time, the parties do not believe that discovery should be conducted in phases.

The parties will confer among themselves with regard to electronic discovery and will attempt to agree on the method and scope of such discovery without the assistance of the Court.

4. Proposed Dispositive Motion Schedule

Requests for pre-motion conferences for dispositive motions and briefing schedules shall be governed by Judge Chen's individual rules.

5. Subjects on Which Discovery May be Needed

a. Plaintiff's Statement

Plaintiffs intend to conduct discovery regarding the allegations in his Complaint, including but not necessarily limited to, Plaintiff's employment at the Defendant including hours worked and wages paid, the basis for any critique of his performance, the basis for his termination, and the motives of all Defendants.

b. Defendants' Statement

Defendants intend to conduct discovery regarding the allegations in Plaintiffs' Complaint, including, without limitation, that (i) Defendants were joint employers of Plaintiffs; (ii) Plaintiffs were non-exempt employees of Defendants, (iii) Defendants failed to pay Plaintiffs the minimum wage, (iv) Defendants failed to pay Plaintiffs overtime compensation; and (v) Defendants failed to keep full and accurate records of Plaintiffs' hours and wages. Defendants object to any request by Plaintiffs for discovery concerning "the basis for any critique of [Plaintiffs'] performance, the basis for [Plaintiffs'] termination, and the motives of all Defendants."

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6. Settlement Discussions

The parties have not yet engaged in settlement discussions.

7. Anticipated Length of Trial

Three (3) days.

We thank the Court for its attention to and consideration of this matter.

Respectfully submitted,

TROY LAW, PLLC

/s/ Aaron Schweitzer

Aaron Schweitzer, Esq.

John Troy, Esq.

Attorney for Plaintiff

PRYOR CASHMAN LLP

/s/ Joshua Zuckerberg

Joshua Zuckerberg, Esq.

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cc: *via ECF*

All counsel of record